S.B. CIVIL WRIT PETITION NO.4520/2007

Date of order : 25.9.2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ashok Gaur for the petitioner.
Shri S.P. Tyagi for the respondents.

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The petitioner has challenged the communcation dated 21.5.2007 whereby the Inspector Investigation Officer, CBI has required him to provide certain information on the performa enclosed therewith and return the same on or before 23.5.2007.

Grievance of the petitioner is that the main FIR has been lodged against his father, therefore, the petitioner cannot be forced to make available the required information on the performa as aforesaid. It was argued that the petitoiner by the aforesaid letter was required to get the valuation of his house done from Valuation Officer of the Income Tax Department which is contrary to the provisions of the Income Tax Act as the market value of the subject property could be assessed only by the assessing officer having jurisdiction and competence to refer the question of valuation of any asset to the Valuation Officer. Shri

Ashok Gaur, learned counsel for the petitioner has aruged that the petitioner has purchased the disputed property from his own resources and not from the funds provided by his father.

Shri S.P. Tyagi, learned counsel for the respondents opposed the petition and argued that the subject property was purcahed in the name of the petitioner from ill gotten money of his father when he was not even in employment. It was in fairness to him that he was required to disclose the information. Investigation being conducted against his father having amassed wealth and assets disproportionate to the known sources of his income. Issuance of notice is not meant to compel the petitioner to give any evidence against himself but to solicit his cooperation in the investigation as per the requirements of the independent agency in the presence of the petitioner or his representative who were to remain present at the time of conducting the valuation of the house in question.

In view of the clarifications categorically given by the respondents that the petitioner is not being compelled to provide information required by the communication dated

21.5.2007, the apprehension of the petitioner appears to more illusory than real.

In the circumstances, therefore, the matter need not be proceeded with further. Since no grievance survives thereafter, the writ petition is dismissed as having become infructuous.

(MOHAMMAD RAFIQ), J.

Skant/-